HB 2332 -- CRIMINAL CODE REVISION

SPONSOR: Corlew

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Civil and Criminal Proceedings by a vote of 9 to 2. Voted "Do Pass" by the Select Committee on Judiciary by a vote of 9 to 1.

This bill changes the laws regarding the administration of justice.

TRESPASSING LIVESTOCK (Sections 272.030 and 272.230, RSMo)

Specifies that the owner of any horse, cattle, or other stock that breaks over or through a lawful fence and obtains access to or trespasses upon another's property is liable for damages sustained if the owner of the trespassing animal was negligent.

LIMITED DRIVING PRIVILEGE (Section 302.309)

Specifies that a veterans treatment court is authorized to issue a limited driving privilege.

REAL ESTATE (Section 327.272)

Specifies that a licensed attorney or licensed title insurance company, agent, or agency is not precluded from preparing maps or other drawings, conducting investigations into real estate titles and descriptions, and preparing land or legal descriptions for clients or customers.

GUARDIANSHIPS (Section 475.125)

Adds respite to the list of purposes that the court may make an order for the management of the estate of a protectee.

STATEWIDE COURT AUTOMATION FUND AND BASIC LEGAL SERVICES FUND (Sections 476.055 and 477.650)

The Statewide Court Automation Fund fee is set to expire on September 1, 2018; this bill extends the expiration date to September 1, 2023. The Court Automation Committee is currently required to complete its duties prior to September 1, 2020, this bill extends that date to September 1, 2025.

The Basic Civil Legal Services Fund is currently set to expire on December 31, 2018. This bill extends the expiration dates to December 31, 2025.

The bill adds the executive director of the Missouri Office of

Prosecution Services and the director of the State Public Defender System as members of the Court Automation Committee.

EVIDENCE (Sections 510.035, 545.950 and 595.226)

Specifies that any visual or aural recordings or photographs of a minor or his or her body who is alleged to be the victim of an offense under Chapter 566, RSMo, created by or in the possession of a Child Assessment Center, health care provider, or multidisciplinary investigation team member cannot be disclosed unless required by Supreme Court Rule 25.03 or a court orders the disclosure upon a showing of good cause after notice and a hearing and after considering the safety and privacy interests of any victim.

A person who is a party or has a legitimate interest in a court proceeding involving a victim of an offense under Chapter 566 who was a minor at the time such offense occurred may view any visual or aural recordings or photographs of a minor or his or her body who is alleged to be the victim of an offense under Chapter 566 created by or in the possession of a child assessment center or hospital, but no such person is permitted to obtain copies of the information without a court order or as required by Supreme Court Rule 25.03.

Members of the multidisciplinary investigation team are authorized to share the visual or aural recordings of the child's statements or photographs with certain entities as specified in the bill.

The bill specifies what must be contained in a court order if a court orders the copying of such visual or aural recordings or photographs.

A defendant, the defendant's attorney, or an investigator, expert, consulting legal counsel, or other agent of the defendant's attorney cannot disclose to a third party any visual or aural recordings or photographs of a minor or his or her body who is alleged to be the victim of an offense under Chapter 566 created by or in the possession of a child assessment center, health care provider, or multidisciplinary team member unless a court orders the disclosure upon a showing of good cause after notice and a hearing and after considering the safety and privacy interests of any victim. The defendant's attorney or an investigator, expert, consulting legal counsel, or agent for the defendant's attorney may allow a defendant, witness, or prospective witness to view the information provided under this section but must not allow such person to have copies of the information provided.

The bill specifies that any visual or aural recordings that could

be used to identify or locate any victim of an offense under Chapter 566 or a victim of domestic assault or stalking must be closed and redacted from the record prior to disclosure to the public, including an unobstructed visual image of the victim's face or body.

Any court records identifying any person who was a victim of a crime under Chapter 566 and a minor at the time the offense was committed must be closed for inspection, and the contents must not be disclosed except by order of the court to persons having a legitimate interest therein.

The bill specifies that a violation of these provisions is a class C misdemeanor.

PERISHABLE FOOD ITEMS (Section 537.350)

Specifies a person is liable to the producer of a perishable food product for damages and any other appropriate relief if the person disseminates in any manner information relating to the perishable food product to the public that the person knows is false and the information states or implies that the perishable food product is not safe for consumption by the public.

In determining if information is false, the trier of fact must consider whether the information was based on reasonable and reliable scientific inquiry, facts, or data.

CRIMINAL CODE REVISION (Sections 557.021, 562.014, 565.030, 577.060, 578.007 and 579.015)

Makes minor grammatical changes to the criminal code revision, which takes effect January 1, 2017.

SEXUAL TRAFFICKING (Sections 566.209, 566.210, 566.211, 566.212 and 566.213)

Adds knowingly advertising a specified minor to participate in a commercial sex act, performance, or the production of explicit sexual material to the offenses of sexual trafficking of a child in the first degree, sexual trafficking of a child in the second degree, sexual trafficking of a child, and sexual trafficking of a child under the age of 12.

The bill adds the advertising element to the offense of trafficking for the purpose of sexual exploitation.

STEALING (Sections 570.010 and 570.030)

Changes the laws regarding the crime of stealing to include the appropriating or attempted appropriation of property owned by or in the custody of a financial institution in order to deprive the owner or custodian of the property.

The offense is a class B felony.

FRAUD (Section 570.135)

Specifies that it is unlawful to knowingly possess a fraudulently obtained debit or credit card or device.

PEACE DISTURBANCE (Section 574.010)

Specifies that a person does not commit the offense of peace disturbance by creating a loud noise or a noxious or offensive odor if the noise or odor comes from raising, maintaining, or keeping livestock, or from planting, caring, maintaining, or harvesting crops or hay.

TOBY'S LAW (Section 577.011)

Establishes Toby's Law, which specifies that a person who has pled guilty to or been found guilty of driving while intoxicated must complete a victim impact program approved by the court and is responsible for any charges imposed by the program.

The program must be attended in person, unless the individual can establish that there are extraordinary circumstances preventing inperson attendance.

INTERVENTION AND COMPLIANCE UNIT PILOT PROGRAM (Section 589.800)

Requires the Department of Public Safety to establish a pilot program in the City of St. Louis to address the rising serious violent crime rate in St. Louis City neighborhoods. The program's goals include, but are not limited to, reducing and preventing violent crime and improving safety within individual neighborhoods, creating policies and procedures to address crime recidivism, creating policies and procedures regarding crime data collection and monitoring, and developing strategies for improving mental and social service programs to address systemic needs for reducing violent crime in the City of St. Louis.

The Intervention and Compliance Unit program membership shall have representatives from various local governmental agencies and local organizations, specified in the bill.

This bill creates a fund, which will consist of appropriated money

and voluntary donations, and the State Treasurer will be the custodian of the fund. The fund shall be used solely for the implementation and execution of the program created by this bill.

PROPONENTS: Supporters say that this bill simply corrects a few grammatical and other minor errors in the 2014 Criminal Code Revision, set to take effect on January 1, 2017. The clean-up bill is important because this is the last regular session prior to the new code going into effect.

Testifying for the bill were Representative Corlew; Missouri Department Of Public Safety; and the Missouri Association Of Prosecuting Attorneys.

OPPONENTS: There was no opposition voiced to the committee.